

## PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: William R. and Pamela R. Fritz  
DOCKET NO.: 04-01357.001-R-1  
PARCEL NO.: 08-22-252-009

The parties of record before the Property Tax Appeal Board are William R. and Pamela R. Fritz, the appellants, and the McHenry County Board of Review.

The subject property has been improved with a one-story frame dwelling of 2,971 square feet of living area constructed in 1997. The dwelling's foundation is a partial crawl space and the remainder is a full finished walkout basement of 1,759 square feet of building area. The dwelling also features an in-law apartment with a second kitchen. Additional features of the property include four bathrooms, central air conditioning, two fireplaces, a three-car garage of 896 square feet of building area, a wood deck, and a concrete patio. There are also two sheds on the subject parcel. The property is located in Woodstock, Greenwood Township, Illinois.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation in the assessment process as to the improvement assessment only. In support of this claim, the appellants submitted to the Property Tax Appeal Board a grid analysis detailing four comparable sales of properties and an appraisal.

The grid analysis consisted of four comparable properties located within 0.37 miles from the subject property. The comparables were improved with either a one-story or a two-story frame dwelling which ranged in age from six to twelve years old. The dwellings ranged in size from 1,508 to 3,517 square feet of living area. Each of the comparables had a full finished basement and included central air conditioning, one fireplace, and a three-car garage, with one property having an additional four-car garage. Three of the comparables included decks; one

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the McHenry County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	23,763
IMPR.:	\$	101,112
TOTAL:	\$	124,875

Subject only to the State multiplier as applicable.

comparable also had a gazebo. These comparables sold between June 2004 and November 2004 for purchase prices ranging from \$325,000 to \$377,500 or from \$105.20 to \$215.52 per square foot of living area including land.

In testimony on cross-examination, appellant William Fritz acknowledged that his four suggested comparables were drawn from the appraisal which he submitted in this matter. Appellant also noted that the appraisal was done as of March 2005, while the instant assessment date at issue is January 1, 2004. Therefore, appellant contends that the subject property should be assessed even less for 2004 than reflected in the appraisal submitted in this record.

The appraisal, prepared for real estate tax purposes and in conformance with reporting requirements set forth under the Uniform Standards of Professional Appraisal Practice for a summary appraisal report, utilized two of the three traditional approaches to value and estimates a market value of \$375,000 for the subject property as of March 16, 2005. The appraiser, however, was not present at the hearing to provide testimony or to be cross-examined regarding the methodology or final value conclusion.

Using the cost approach to value the appraiser estimated the subject's site value as \$85,000 with the improvements having an estimated cost new of \$328,535. Depreciation of \$52,799 was estimated using the age/life method with \$15,000 attributed to "as is" value of site improvements including walks, driveway, well, septic and landscaping. Thus, the appraiser estimated a value under the cost approach of \$375,700.

Under the sales comparison approach, as set forth previously as part of the appellants' grid analysis, the appraisal depicts four comparable properties. The appraiser noted the subject included two fireplaces, a walkout basement, and two sheds which had not been identified in the appellants' description of the subject property. The comparables were adjusted for parcel size, view, design/appeal, condition, room count for number of baths, size, basement, functional utility and other features. This analysis resulted in adjusted sales prices for the comparables ranging from \$373,000 to \$385,500 or from \$106.34 to \$247.35 per square foot of living area including land. The appraiser next estimated the subject had a market value under the sales comparison approach of \$375,000, including land as of March 16, 2004.

The subject had an improvement assessment of \$102,907 for 2004. Based on the evidence presented and the appellants' analysis of the sales data, appellants contend the instant improvement assessment should be reduced to \$92,892; appellants' request for

a total assessed value of \$116,655 would result in an estimated fair market value of \$350,315 based on this proposed assessed value and the 2004 three year median level of assessments for McHenry County of 33.30% as determined by the Illinois Department of Revenue.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of the subject property of \$126,670 was disclosed. The final assessment of the subject property reflects a market value of \$380,390 using the 2004 three-year median level of assessments for McHenry County of 33.30%. The only evidence submitted by the board of review consisted of documentation from the township assessor reflecting failed efforts to gain access to the subject property to record certain improvements which had been made without issuance of a building permit. The board of review had proposed to stipulate to a total assessment of \$124,988 which was rejected by the appellant. No further evidence was submitted by the board of review.

At the hearing on behalf of the board of review, the Greenwood Township Assessor Karen D. Roth testified that she believed there may be inaccuracies in the appraisal and, in particular, the appraisal may not accurately reflect the number of bathrooms in the subject property. She had no direct evidence of such inaccuracies, other than what she believed the building permit called for in terms of number of fixtures. The assessor also testified to the arrangements made with appellant William Fritz to view the basement and in-law arrangement of the subject property. No substantive evidence of value of the subject property was presented by the board of review. In conclusion, the board of review contended that despite any inaccuracies, the appraisal done as of March 2004 was the best indication of value of the subject property in the record.

In rebuttal, appellant William Fritz testified that the in-law arrangement was part of the original 1997 building plans for the subject property. Appellant acknowledged that when he finished the basement and added a deck to the property, he initially failed to get a building permit; those issues have since been rectified with the appropriate authorities.

Also as part of a written rebuttal previously submitted by appellants in this proceeding, reference was made to several new documents, including recent average home value increases in McHenry County and a new suggested comparable property presented through a copy of a multiple listing service sheet. All of this data made part of the appellants' rebuttal had not been submitted previously and is not in direct response to any evidence submitted by the board of review. Pursuant to the Official Rules of the Property Tax Appeal Board, "[r]ebuttal evidence shall not

consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence." (86 Ill. Admin. Code, Sec. 1910.66(c))

After hearing the testimony and considering the evidence submitted by the parties, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds that the appraisal submitted by the appellant estimating the subject's market value of \$375,000 is the best evidence of the subject's market value in the record.

When market value is the basis of the appeal, the appellants have the burden of proving the value of the property by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill. App. 3d 179, 728 N.E.2d 1256 (2<sup>nd</sup> Dist. 2000); National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App. 3d 1038 (3<sup>rd</sup> Dist. 2002); *Official Rules of the Property Tax Appeal Board*, 86 Ill. Admin. Code Sec. 1910.63(e). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. *Official Rules of the Property Tax Appeal Board*, 86 Ill. Admin. Code Sec. 1910.65(c). The Board finds the appellants have overcome this burden.

However, as to appellants' contention that the appraisal as of March 16, 2005 does not accurately reflect the property's value as of January 1, 2004, the Board has given this argument little merit. The record contains no credible market evidence to support the appellants' claim regarding any purported decrease in value from March 16, 2005 to January 1, 2004, if such loss exists. Besides this theory, the Board finds appellants provided no information to support what that lower value should be based on this argument; a mere theory and claim of reduced value by the appellants without more is insufficient evidence of an impact on market value. The Property Tax Appeal Board recognizes the appellants' premise that the subject's value may be affected due to the timing of the appraisal, however, without credible market evidence showing such, the appellants have failed to show the subject's property assessment should not be based on the only substantive evidence in the record, namely, the estimated fair market value as set forth in the appraisal filed in this proceeding by appellants.

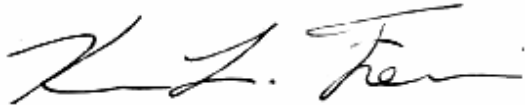
Based upon the market value as stated above, the Property Tax Appeal Board finds that a reduction is warranted. Since market value has been established, the three-year median level of

assessment for McHenry County for 2004 of 33.30% shall be applied.

This is a final administrative decision of the Property Tax Appeal Board are subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member



Member

DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: September 28, 2007



Clerk of the Property Tax Appeal Board

**IMPORTANT NOTICE**

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.